



AF/1623

PATENT  
Customer No. 22,852  
Attorney Docket No. 2405.0167

**NOTICE OF APPEAL TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: )  
)  
Mads Liendgaard Vigh et al. ) Group Art Unit: 1623  
)  
Application No.: 09/255,655 ) Examiner: H. Owens, Jr.  
)  
Filed: February 23, 1999 )  
)  
For: USE OF D-TAGATOSE AS A )  
PREBIOTIC FOOD )  
COMPONENT )

**RECEIVED**

DEC 02 2003

TECH CENTER 1600/2900

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated  
August 27, 2003 of the Examiner.

The item(s) checked below are appropriate:

1. ☐ A Petition for extension of time to respond to the final rejection was filed on [Date] extending the period for response to [Date].
2. ☐ A Petition for extension of time to further extend the period for response to [Date] is enclosed together with a fee of \$[Fee].
3. ☒ The Appeal Fee was paid September 5, 2001. The Board did not render a decision because prosecution was reopened by the examiner on December 13, 2002. No additional appeal fee is required. See MPEP 1208.02.

☐ is enclosed or ☐ is to be charged to Deposit Account No. 06-0916

4. ☐ A check for \$330.00 to cover the above fees is enclosed.

Please grant any extensions of time required to enter this response and charge  
any additional required fees to our deposit account 06-0916.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 26, 2003

By: Charles E. Van Horn  
Charles E. Van Horn  
Reg. No. 40,266

Post Office Address (to  
which correspondence is  
to be sent)

Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
1300 I Street, N.W.  
Washington, D.C. 20005  
(202) 408-4000

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)